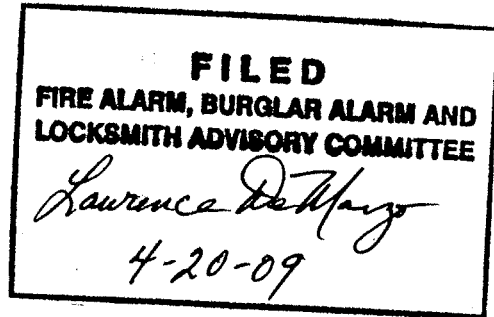


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
FIRE ALARM, BURGLAR ALARM &
LOCKSMITH ADVISORY COMMITTEE

IN THE MATTER OF THE APPLICATION	:	
FOR A LOCKSMITH BUSINESS LICENSE OF	:	
	:	
ERIC COHEN (owner)	:	Administrative Action
PRESTIGE BUSINESS SOLUTIONS	:	
(t/a USA LOCKSMITH)	:	PROVISIONAL ORDER
	:	OF DENIAL OF LICENSE
TO OPERATE A LOCKSMITH BUSINESS	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Fire Alarm, Burglar Alarm & Locksmith Advisory Committee ("Committee") upon receipt of an application, and other information, for a locksmith business license from Eric Cohen, owner of Prestige Business Solutions (t/a "USA Locksmith"). The Committee has reviewed the application and the available information and makes the following preliminary findings of fact and conclusions of law:

FINDINGS OF FACT

1. Eric Cohen ("respondent") is the sole owner of Prestige Business Solutions (t/a USA Locksmith). Respondent submitted an application for a locksmith business license, dated August 18, 2008. Prestige Business Solutions registered to do business in the State of New Jersey on August 25, 2003. (Exhibit A, copy of Registration of Alternate Name, attached and made a part of hereto).

2. USA Locksmith is currently located at 117 Central Avenue, Hackensack, New Jersey. USA Locksmith does not currently hold a locksmith business license in New Jersey, pursuant to the requirements of N.J.S.A. 45:5A-25(b) and N.J.A.C. 13:31A-2.6. Additionally, USA Locksmith does not employ a licensed locksmith to act as the business qualifier, pursuant to the requirements of N.J.A.C. 13:31A-2.8. (Exhibit B, certification of George DeLuca, dated April 21, 2009, attached and made a part of hereto).

3. USA Locksmith is currently advertising the provision of locksmithing services in the state of New Jersey. An internet advertisement found at "USALocksmith.com", states that USA Locksmith provides twenty-four hour locksmith service in New Jersey. The advertisement also lists numerous New Jersey municipalities where USA Locksmith will provide locksmithing services. (Exhibit C, copy of USA Locksmith.com internet site for locksmith services in New Jersey, attached and made a part of hereto).

4. The individual New Jersey municipal sites found at "USALocksmith.com" indicate that an individual locksmith business, with a separate business address, resides in each particular municipality listed. For example, accessing the site for Allendale, New Jersey results in information revealing that an entity called "Allendale Locksmith" exists with a telephone number of 800-425-9858 and a fax number of 800-721-5192. The page for "Allendale Locksmith" also states:

"Allendale Locksmith provides fast, reliable, professional 24 Hour emergency Locksmith services at extremely competitive rates. at **Allendale** Locksmith we stand behind our workmanship- 100% client satisfaction guaranteed. At **Allendale** Locksmith we have a fully equipped machine shop available 24 hours a day 7 days a week, we service most major lock brands and associated door hardware, including brands we do not sell"

Similar information can be found by accessing each individual New

Jersey municipal site found at "USALocksmith.com". (Exhibit D, copy of site for "Allendale Locksmith", located at "USALocksmith.com", attached and made a part of hereto).

5. A separate search of "www.allendalelocksmith.com" results in a web page with a 800 telephone number that is actually routed to USA Locksmith at the 117 Central Avenue, Hackensack, location. The web page also gives an address for "Allendale Locksmith" at W. Allendale Ave, Allendale, NJ. (Exhibit E, copy of "www.allendalelocksmith.com" web page, attached and made a part of hereto).

6. On April 21, 2008, the Committee received a consumer complaint concerning services performed by "Prestige Business Solutions, Inc. d/b/a USALocksmith.com also d/b/a Belmar Locksmith Svc." According to the complaint, the consumer's initial contact with the company was via the local telephone number listed for Belmar Locksmith Service in the Yellow Pages. The complainant stated that the phone number listed in the Yellow Pages actually connects the person with USA Locksmith. The address in the Yellow Pages for Belmar Locksmith is listed as 500 Main Street, Belmar, NJ. According to the complainant, there is no locksmith located at this address. (Exhibit F, copy of consumer complaint, dated April 17, 2008, attached and made a part of hereto).

7. A search of the website for "www.belmarlocksmith.com" will connect the user to the "USALocksmith.com" website. The phone number on the website for "www.belmarlocksmith.com" is rerouted to USA Locksmith. (Exhibit G, copy of website for "www.belmarlocksmith.com", attached and made a part of hereto).

8. According to the complainant, the consumer contacted Belmar Locksmith Service to have locks re-keyed at his house. The technician was late in arriving. The technician quoted a fee of \$65.00 for each lock

that needed to be re-keyed. The technician indicated that if he needed to change the entire doorknob, the fee would be \$85.00. According to the complainant, the technician, without permission from the homeowner, caused damage to one door and replaced a doorknob with a horizontal handle. He also re-keyed four of the five doors with the same key, but on his own, decided not to re-key the fifth door with the same key. He also used defective hardware to complete the job. Finally, the complaint asserts that the technician charged in excess of the original quote. (Exhibit F, copy of consumer complaint, dated April 17, 2008, attached and made a part of hereto).

9. On November 18, 2008, respondent appeared before the Committee regarding his application for a locksmith business license. Respondent acknowledged that USA Locksmith did not currently employ a licensed locksmith to act as a business qualifier, nor did USA Locksmith employ any licensed locksmiths or other technicians. Rather, USA Locksmith subcontracts some of its locksmith work to unlicensed persons and businesses. Respondent testified that from 2004, when the New Jersey licensing requirement went into effect, until 2008, he was not aware of the licensing requirement in New Jersey. (Exhibit H, copy of testimony of Eric Cohen, dated November 18, 2008, pgs 18-19; pgs 21-22; pg.46, attached and made a part of hereto).

10. During the inquiry, respondent was asked to provide the Committee with copies of USA Locksmith's agreements with independent contractors utilized to perform locksmithing services. On January 15, 2009, counsel for respondent provided copies of three agreements entered into between USA Locksmith and individual subcontractors. Counsel also provided a list of previously utilized subcontractors that did not have agreements with USA Locksmith. A total of nine names were provided. A check of the Committee's files reveals that none of the names provided

hold either an individual or business license with the Committee. (Exhibit I, certification of George DeLuca, dated April 21, 2009, attached and made a part of hereto).

11. Respondent acknowledged he was responsible for the information contained on the website "www.USALocksmith.com". Respondent acknowledged there is no separate entity by the name "Allendale Locksmith". Rather, respondent registered each municipality as a separate domain name which links to USA Locksmith. Therefore, a person calling "Allendale Locksmith" would actually be calling USA Locksmith at the 117 Central Avenue, Hackensack New Jersey location. (Exhibit J, copy of testimony of Eric Cohen, dated November 18, 2008, pgs 19-20; pgs 25-27; pgs 32-33, attached and made a part of hereto).

12. Respondent acknowledged the web page that appears when someone accesses "www.allendalelocksmith.com" indicates that "Allendale Locksmith" has a physical location of W. Allendale Ave. Allendale, NJ. Respondent acknowledges there is no locksmith at that location, rather an address is listed on the web page in order for "Google" to access the site. Respondent acknowledged he registered numerous municipalities with domain names that actually link back to the phone number for USA Locksmith. (Exhibit K, copy of testimony of Eric Cohen, dated November 18, 2008, pgs 30-36, attached and made a part of hereto).

13. Respondent acknowledged that "www.belmarlocksmith.com" is a domain name of USA Locksmith and that a person calling the phone number for Belmar Locksmith Services would actually reach USA Locksmith. Respondent was unable to provide the name of the person subcontracted to perform the work, nor was he able to provide any other information related to the complaint. (Exhibit L, copy of testimony of Eric Cohen, dated November 18, 2008, pgs 36-41, attached and made a part of hereto).

14. On February 16, 2009, the Committee received a consumer

complaint concerning services performed by "USAlocksmith.com". According to the complaint, a consumer locked herself out of her home in Morristown, NJ. The consumer called "USAlocksmith.com" based on their advertisement in the phone directory. According to the consumer, the serviceman indicated that he was based in Teaneck, NJ. The consumer was under the impression that she was dealing with a local business.

According to the consumer, the serviceman attempted to pick the lock, but was unsuccessful. He then advised that he would have to break in. The serviceman offered the consumer a choice of two locks and the consumer chose the lower priced lock. The entire job took forty-minutes from arrival to departure. At the conclusion of the work, the consumer was presented with an invoice for \$502.00. There is no evidence indicating whether the person who performed the work is licensed as a locksmith in the state of New Jersey. (Exhibit M, copy of consumer complaint, dated February 1, 2009, attached and made a part of hereto).

CONCLUSIONS OF LAW

1. The above preliminary findings of fact establish a basis for denying respondent's request for a locksmith business license, pursuant to N.J.S.A. 45:1-21(n), in that respondent has permitted unlicensed persons and entities to perform acts for which a license is required and has aided and abetted unlicensed persons and entities in performing such acts.

2. The above preliminary findings of fact also establish a basis for denying respondent's request for a locksmith business license, pursuant to N.J.S.A. 45:1-21(o), in that respondent has advertised fraudulently by listing and advertising business locations and telephone numbers for which there were no actual establishments or telephone numbers at those locations.

3. The above preliminary findings of fact also establish a basis for denying respondent's request for a locksmith business license, pursuant to N.J.S.A. 45:1-21(b), in that respondent has engaged in the use and employment of dishonesty, fraud, deception, misrepresentation, false promise and false pretense by charging consumers more than the amount originally estimated for services.

4. Finally, the above preliminary findings of fact also establish a basis for denying respondent's request for a locksmith business license, pursuant to N.J.S.A. 45:1-21(c), in that his unlicensed agent(s) engaged in gross negligence, gross malpractice and gross incompetence which endangered the health, safety and property of consumers.

ACCORDINGLY, IT IS on this 21 day of April, 2009,
PROVISIONALLY ORDERED that:

1. Respondent's application for a locksmith business license, pursuant to the requirements of N.J.S.A. 45:5A-25(b) and N.J.A.C. 13:31A-2.6, is hereby provisionally denied.

2. Respondent shall hereby cease and desist from engaging in the unlicensed practice of locksmithing both individually and through his company Prestige Business Solutions (t/a/ USA Locksmith).

3. The within Order shall be subject to finalization by the Committee at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Executive Director, New Jersey Fire Alarm, Burglar Alarm & Locksmith Advisory Committee, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

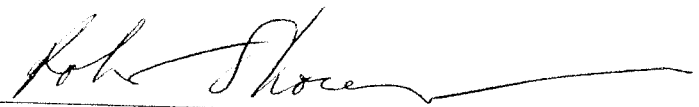
b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

4. Any submissions will be reviewed by the Committee, and the Committee will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Committee is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal basis for the denial of license.

NEW JERSEY FIRE ALARM, BURGLAR ALARM
AND LOCKSMITH ADVISORY COMMITTEE

By: 
Robert Shoremount
Committee Chairman